

REMARKS

Claims 1-6 are currently pending in the application. Applicants have added new claims 4-6. Applicants request reconsideration of the application in light of the following remarks.

Objection to the Drawings

The drawings have been objected to for failing to include a “prior art” label for subject matter that is admittedly conventional. Applicants have amended the drawings to include the label “prior art” for Figures 5 and 6 and included formal replacement sheets and marked up sheets showing this change under a separate cover to the draftsperson. No new matter was entered.

Objections to Claims

The Examiner has objected to claims 2 and 3 for being dependent on a rejected base claim. Applicants have submitted an affidavit under 37 CFR 1.132 to overcome the rejection of claim 1 as set forth in the response to the rejection under 35 U.S.C. 102 as set forth below. As such, the rejection of claim 1 is considered to be overcome, and withdrawal of the rejection is earnestly solicited. Since claims 2 and 3 now depend from an allowable base claim, the objection to claims 2 and 3 has been overcome. Applicants respectfully request that the objections to claims 2 and 3 be withdrawn.

Rejections under 35 U.S.C. §102

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical

invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 was rejected by the Examiner under 35 U.S.C. § 102(e) as being anticipated by Oh (U.S. Patent Application No. 2004/0222347, hereinafter “Oh”). Applicants respectfully traverse this rejection and request reconsideration of the claims.

Affidavit under 37 CFR 1.132

In accordance with the Examiner’s suggestion, Applicant has provided an affidavit under 37 CFR 1.132 (See Appendix) stating that the inventor of the present invention is the same inventor as that of the reference relied upon, and that the invention disclosed but not claimed in the reference relied upon was derived by the inventor of the present invention. The affidavit further states that the present invention was therefore not by another. These statements are set forth in the affidavit under 37 CFR 1.132 included herewith as suggested by the Examiner in order to overcome the rejection of claim 1 under 35 U.S.C. 102(e).

The rejection of claim 1 has been overcome by providing evidence in the form of an affidavit under 37 CFR 1.132 as suggested by the Examiner establishing that the invention of the present application was invented by the same inventor as the invention of the reference relied upon, and that the invention of the present application was therefore not by “another” as required by 35 U.S.C. 102(e). The rejection of claim 1 is, therefore, obviated.

Applicants respectfully request that the anticipation rejection of claim 1 be withdrawn and that the case be passed to issue.

New Claims

The Applicant has added new claims 4-6. Claim 4 includes substantially all of the matter of claim 1 as originally filed and includes additional details to the pin bracket and pins. The additional details are fully supported by the original description and drawings. Therefore, Claim 4 is considered to be allowable for the same reasons as is claim 1 and for

additional patentable features as may be appreciated by the Examiner. Claim 5 includes substantially all the material that was in original claim 2 and includes additional details of a hinge and mounting screws. The additional details are fully supported by the original description and drawings. Therefore, claim 5 is considered to be allowable for the same reason as was claim 2 and for further patentable details as may be appreciated by the Examiner. Claim 6 is the same as original claim 3, except for its dependency from base claims of different scope. Therefore, claim 6 is considered to be allowable as dependent on allowable base claims and for further patentable details therein as may be appreciated by the Examiner.

Indication of Allowable Subject Matter

The Examiner indicated the allowability of the scope and subject matter of claims 1-3, but objected to the form of the claims, they being dependent upon a rejected base claim. Furthermore, a showing that the invention of the base claim was by the same inventor as the reference was required in order to overcome the rejection. Applicants wish to thank the Examiner for this indication of allowable subject matter.

Applicant wishes to thank the Examiner for the indication of condition for allowance for the above referenced application but for the few formal matters. Applicants believe that all formal matters have been resolved, that the application is in condition for allowance, and respectfully request the same.

Regarding Doctrine of Equivalents

Applicants hereby declare that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

CONCLUSION

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The amendments herein added 1 new independent and 2 new dependent claims, resulting in no additional fees due.

If any fees, including extension of time fees or additional claims fees, are due as a result of this response, please charge Deposit Account No. 19-0513. This authorization is intended to act as a constructive petition for an extension of time, should an extension of time be needed as a result of this response. The examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

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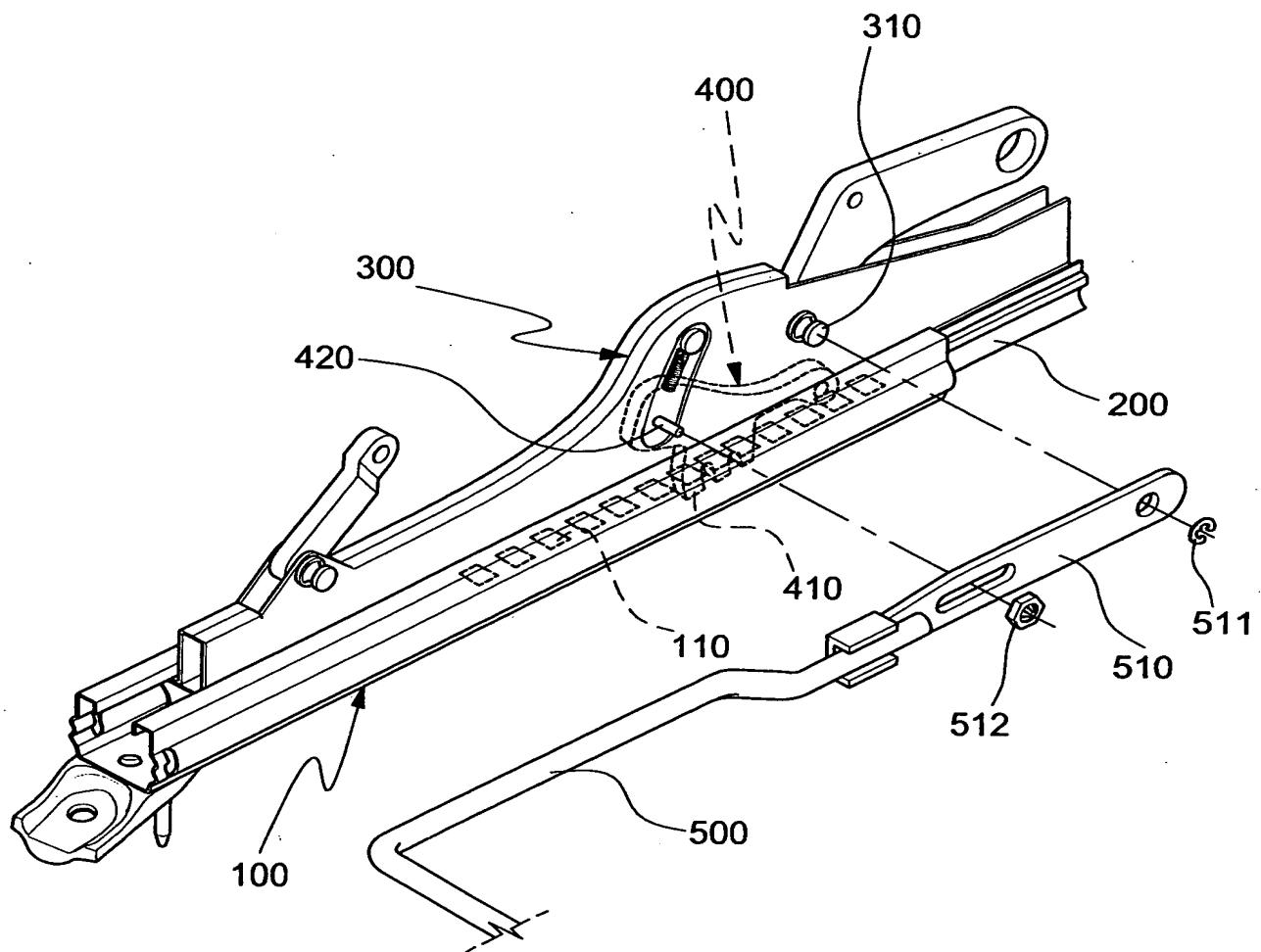
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FIG. 5

PRIOR ART



6/6

FIG. 6 **PRIOR ART**

